

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6258-CR-FERGUSON

UNITED STATES OF AMERICA)
)
)
)
v.)
)
)
)
LIDIA ESTER RAMOS,)
)
)
Defendant.)

)

GOVERNMENT'S SUPPLEMENTAL PROPOSED JURY INSTRUCTION

Pursuant to Rule 30 of the Federal Rules of Criminal Procedure, the United States respectfully requests that the following jury instructions be given at trial in the above case.

Respectfully submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

By:


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GOVERNMENT SUPPLEMENTAL PROPOSED JURY INSTRUCTION NO. 1

When knowledge of the existence of a particular fact is an essential part of the offense, such knowledge may be established if the defendant is aware of a high probability of its existence, unless she actually believes that it does not exist.

So, with respect to the issue of the defendant's knowledge in this case, if you find from all the evidence beyond a reasonable doubt that the defendant believed that she possessed cocaine and deliberately and consciously tried to avoid learning that there was cocaine within the dog food bag in order to be able to say, if she should be apprehended, that she did not know cocaine was secreted within the dog food bag, you may treat such deliberate avoidance of positive knowledge as the equivalent of knowledge.

In other words, you may find that a defendant acted "knowingly" if you find beyond a reasonable doubt either: (1) that the defendant actually knew that she possessed cocaine; or (2) that she deliberately closed her eyes to what she had every reason to believe was the fact.

I must emphasize, however, that the requisite proof of knowledge on the part of the defendant cannot be established by merely demonstrating that she was negligent, careless or foolish.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was faxed this 9th day of March 2001 to Nelson Rodriguez, Esquire, 6780 Coral Way, Miami, Florida 33155.



DONALD F. CHASE, II
ASSISTANT UNITED STATES ATTORNEY